

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 16

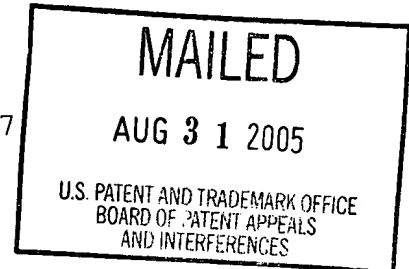
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HEIKO H. LUDWIG and KEITH G. WHITTINGHAM

Appeal No. 2004-1140
Application No. 09/433,427

ON BRIEF



Before HAIRSTON, GROSS, and LEVY, ***Administrative Patent Judges.***
GROSS, ***Administrative Patent Judge.***

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 through 18, which are all of the claims pending in this application.

Appellants' invention relates to a method and system for interconnecting two server computers, each connected to at least one client computer, and each running a workflow management system. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method of interconnecting a first server computer (112) of a service requestor (1) and a second server computer (122) of a

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service provider (2), each of said first server computer (112) and said second server computer (122) being connected to at least one client computer (111, 121);

said first server computer (112) running a first workflow management system application (3), and said second server computer (122) running a second workflow management system application (4);

said method comprising providing a first and a second connector application (5a, 6a) for permitting said first server computer (112) access to a copy of said first connector application (5a) and for permitting said second server computer (122) access to a copy of said second connector application (6a);

wherein said copies of said first and said second connector application (5a, 6a) each comprises a connection agreement (8, 12) for a first work task (7) of a first workflow instance (18) encompassed by said first workflow management system application (3);

which copy of said first connector application (5a) further comprises a first mapping table (9) including a first service terminology (9a) and a common terminology (9b, 13b), and which copy of said second connector application (6a) further comprises a second mapping table (13) including a second service terminology (13a) and said common terminology (9b, 13b);

said first work task (7) being transposed by said first mapping table (9) from said first service terminology (9a) into an input data set (ip1, ip2) in said common terminology (9b, 13b);

said input data set (ip1, ip2) being marshalled to said second server computer (122) over a common connection (17), and said marshalled input data set (ip1, ip2) being transposed to a second work task (15) by said second mapping table (13) from said common terminology (9b, 13b) into said second service terminology (13a), and said second work task (15) being processed by said second workflow management system application (4).

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

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Skeen et al. (Skeen)	5,557,798	Sep. 17, 1996
Bittinger et al. (Bittinger)	5,754,774	May 19, 1998
Khan et al. (Khan)	6,157,934	Dec. 05, 2000

(Filed Oct. 15, 1996)

Claims 1 through 18 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bittinger in view of Skeen and Khan.

Reference is made to the Examiner's Answer (Paper No. 14, mailed December 5, 2003) for the examiner's complete reasoning in support of the rejection, and to appellants' Brief (Paper No. 13, filed September 29, 2003) for appellants' arguments thereagainst.

OPINION

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by appellants and the examiner. As a consequence of our review, we will reverse the obviousness rejection of claims 1 through 18.

The examiner admits (Answer, page 4) that Bittinger fails to disclose workflow management systems and first and second mapping tables, as recited in independent claims 1 and 10. However, the examiner contends that "these features are well known in the art and would have been an obvious modification to the system disclosed by Bittinger . . . as evidenced by Skeen . . . and

Khan." The examiner relies on Skeen for the mapping tables and Khan for the workflow management systems.

The examiner asserts (Answer, page 5) that "a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Bittinger . . . by the use of mapping tables for conversion, as disclosed by Skeen . . . in order to allow for configuration changes by the end user or system administrator without additional software development." Similarly, the examiner states (Answer, page 5) that

data exchange among workflow management systems is known in the art, a person having ordinary skill in the art would have readily recognized the desirability and advantages of applying Bittinger . . . to the workflow applications, such as disclosed by Khan . . . because it would have provided the function of passing workflow data among workflow management systems without requiring specific translation code in the workflow applications and permit the code to be separate from the core workflow applications so as to allow configuration changes without rewriting the workflow application.

Appellants argue (Brief, pages 16-17) that Khan "discloses a server/client architecture (one server computer . . . and a plurality of client computers) wherein a single workflow application is processed." Appellants contrast that with the claimed invention, which "relates to and provides an interface between different workflow management systems (first server

computer 112 and second server computer 122)." Appellants contend (Brief, page 17) that the rejection is based on impermissible hindsight. The examiner responds (Answer, page 11) that Skeen and Bittinger "show a system for and the benefits of the transfer of information between applications using different data or communication formats in a variety of software applications." Further, states the examiner (Answer, page 11), Khan "was simply used to show the prevalence of workflow management systems as a type of application that commonly transmits information on a computer network," and "[w]orkflow management systems are software applications and therefore would benefit from this method of connection." We agree with appellants that the rejection is based on impermissible hindsight.

The Federal Circuit has held that "[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." ***In re Fritch***, 972 F.2d 1260, 1266 n.14, 23 USPQ2d 1780, 1783-4 n.14 (Fed. Cir. 1992), ***citing In re Gordon***, 733 F.2d 900, 902, 221, USPQ 1125, 1127 (Fed. Cir. 1984). Further, a factual inquiry whether to modify a reference must be based on objective evidence of record,

not merely conclusionary statements of the examiner. **See In re Lee**, 277 F.3d 1338, 1343, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002). Here the examiner has pointed to nothing in the references that would have suggested applying the workflow management system of Khan to each of two servers in Bittinger. The examiner's basis for combining the references appears to come out of thin air, not from objective evidence of record.

We further note that although Skeen discloses (column 1, lines 63-67) that using multiple formats "means that translations either to a common language or from the language of one computer or process to the language of another computer or process must be made before meaningful communication can take place," there is no indication that the two computers of Bittinger would require such a translation. In fact, as the examiner pointed out, Bittinger discloses (column 3, lines 36-45) that an HTTP data stream is converted to a client/server specific communication protocol and back to the HTTP data stream. Thus, there would appear to be no need for two mapping tables, as recited in the claims. Also, the examiner's reasoning for combining Skeen, as with the motivation for combining Khan, does not appear to be based on objective evidence from the record. Therefore, the examiner has failed to establish a **prima facie** case of

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obviousness, and we cannot sustain the obviousness rejection of claims 1 and 10 nor of their dependents, claims 2 through 9 and 11 through 18.

CONCLUSION

The decision of the examiner rejecting claims 1 through 18 under 35 U.S.C. § 103 is reversed.

REVERSED


KENNETH W. HAIRSTON
Administrative Patent Judge

Anita Pellman Gross
ANITA PELLMAN GROSS
Administrative Patent Judge


STUART S. LEVY
Administrative Patent Judge

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